

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of

Richard Hirschman et al.

Original Patent No.: 5,543,864

Issued: August 6, 1996

For: IMPROVED METHOD AND KIT FOR ATTACHING SIDE SHIELDS TO
EYEGLASS TEMPLES

Assistant Commissioner of
Patents and Trademarks
Washington, D.C. 20231

**COMBINED DECLARATION AND POWER OF
ATTORNEY FOR REISSUE PATENT APPLICATION**

As the below named inventors, we hereby declare our residence, post address and citizenship are as stated below next to our names that we verily believe that we are the original, first and joint inventors of the subject matter which is claimed in Letters Patent 5,543,864 ("the Original Patent") issued August 6, 1996, and for which a reissue application is sought on the invention entitled: IMPROVED METHOD AND KIT FOR ATTACHING SIDE SHIELDS TO EYEGLASS TEMPLES the specification of which is attached hereto.

We are not aware and do not believe that the above-identified invention was ever known, used, offered for sale or sold in the United States of America before our invention thereof.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with title 37 CFR §1.56.

We verily believe the Original Patent is partly inoperative by reason of our claiming less than we had a right to claim through error and without any deceptive intent.

The specific errors relied upon are:

1. that the limitations of Claim 1 may unnecessarily require the insertion of a pin into the side shield;
2. that the limitations of Claim 1 may unnecessarily require a member with a slot formed therein; and
3. that the limitations of Claim 5 may unnecessarily require that a pin be adapted to be inserted into the side shield.

Claims 20-40 are being introduced to broaden the coverage of the Original Patent and correct the errors enumerated above. New independent Claim 20 is directed to a method of attaching a side shield to a temple of an eyeglass frame and dependent Claims 21-22 further define the method of Claim 20. New independent Claim 23 is also directed to a method of attaching a side shield to a temple of an eyeglass frame and dependent claims 24-26 further define the method of claim 23. New independent Claim 27 is directed to a kit for attaching a safety shield to a temple of an eyeglass frame. New independent claim 28 is directed to a kit for attaching a safety shield to a temple of an eyeglass frame and dependent claims 29-40 further define the kit of claim 28.

The errors arose at the time the application was prepared and during prosecution of the application. The errors arose as an oversight in not recognizing that broader coverage could have been obtained. The errors arose without any deceptive intent.

The errors did not become apparent until after a review of the Original Patent was undertaken, which review occurred after issuance of the Original Patent and during discussions regarding a new line of side shields then being introduced by a competitor of the owner of the Original Patent.

Having realized our error, we are proceeding with due diligence to correct the insufficiency which renders the Original Patent partly inoperative by applying for this reissue patent embracing the original disclosure, drawings and claims and additional Claims 20-40.

An Order For A Title Report, an Offer To Surrender Original Patent and an Assent Of The Assignee are submitted concurrently herewith as required in Reissue Applications.

We hereby appoint Ostrolenk, Faber, Gerb & Soffen and members of the Firm, Marvin C. Soffen, Reg. No. 17,542; Samuel H. Weiner, Reg. No. 18,510; Jerome M. Berliner, Reg. No. 18,653; Robert C. Faber, Reg. No. 24,322; Edward A. Meilman, Reg. No. 24,735; Stanley H. Lieberstein, Reg. No. 22,400; Steven I. Weisburd, Reg. No. 27,409; Max Moskowitz, Reg. No. 30,576; Stephen A. Soffen, Reg. No. 31,063; James A. Finder, Reg. No. 30,173; William O. Gray, III, Reg. No. 30,944; Louis C. Dujmich, Reg. No. 30,625; Douglas A. Miro, Reg. No. 31,643, as attorneys with full power of substitution and revocation to prosecute this application, to transact all business in the Patent and Trademark Office connected therewith and to receive all correspondence.

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We hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the

validity of the application or any patent issued thereon.

Date: December 23, 1996


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